



National Reconnaissance Office

24 July 1998
NROD 50-1
Security

**SUBJECT: Executive Order 12333--Intelligence Activities
Affecting United States Persons**

A. SYNOPSIS. This directive outlines the National Reconnaissance Office (NRO) familiarization and reporting program regarding Executive Order (E.O.) 12333, "United States Intelligence Activities," and its applicable implementing regulations, as required by the Department of Defense (DoD) 5240.1-R, "Procedures Governing the Activities of DoD Intelligence Components that Affect United States Persons."

B. AUTHORITY. This directive is issued pursuant to DoD TS 5105.23, "National Reconnaissance Office"; E.O. 12333; DoD 5240.1, "DoD Intelligence Activities"; DoD 5240.1-R; CIA HR 7-1, "Law and Policy Governing the Conduct of Intelligence Activities" (S); and USSID 18, "Legal Compliance and Minimization Procedures" (S).

C. PURPOSE. All NRO personnel should be aware of the limitations placed upon the activities of Intelligence Community agencies by E.O. 12333 and know of their individual responsibilities to conduct all intelligence and official activities pursuant to and in accordance with E.O. 12333 and its applicable implementing regulations. NRO personnel also must be aware of their responsibility to report any violations of E.O. 12333 or its implementing regulations to appropriate authorities. This directive establishes a program to inform NRO personnel of E.O. 12333 responsibilities and reporting requirements.

D. APPLICATION. The familiarization training outlined in this directive shall be provided to all NRO personnel.

E. DEFINITIONS.

1. Agent: persons who, by virtue of their positions or pursuant to contract, have authority to act on behalf of the government.

2. Personnel: a person employed by, assigned to, or acting for the NRO, including contractors and other persons acting at the direction of the NRO.

3. United States person: includes U.S. citizens; aliens known by an intelligence agency to be permanent resident aliens of the U.S.; an unincorporated association substantially comprised of U.S. citizens or permanent resident aliens; or a corporation incorporated in the U.S. and not directed and controlled by a foreign government.

F. TRAINING REQUIREMENTS.

1. All NRO personnel will receive initial training that, at a minimum, covers the following:

a. General information about E.O. 12333, DoD 5240.1-R, and any other implementing regulations that may be applicable to the site where the training is provided;

b. Collection of information;

c. Retention of information;

d. Dissemination of information;

e. General information about electronic surveillance;

f. General information about physical surveillance;

g. General information about computer monitoring;

h. General information about assistance to law enforcement; and

i. Individual responsibilities.

2. All NRO personnel will receive an annual refresher on the topics listed in paragraph F.1. above.

G. RESPONSIBILITIES. The responsibilities are as follows:

1. The Office of General Counsel (OGC) is the Program Manager for the NRO E.O. 12333 familiarization program. OGC will assist the Office of Security (OS) in developing the

program and will ensure that the content covers the information outlined in paragraph F.1. The OGC will

a. Provide legal opinions as requested regarding applicability or interpretation of E.O. 12333 or implementing regulation provisions and address questions whether a particular activity is legal and consistent with applicable policy;

b. Render opinions on the conduct of computer monitoring for purposes other than system administration, maintenance, repair, and security testing;

c. Take action on requests to provide expert assistance to law enforcement agencies;

d. Forward to the Office of Inspector General (OIG) information it receives that indicates a possible violation of E.O. 12333;

e. Coordinate with the NRO Counterintelligence (CI) Staff reports of any violations that concern counterintelligence matters; and

f. Consider for referral to a law enforcement agency, in accordance with procedures adopted pursuant to section 1.7(a) of E.O. 12333, any reports of questionable activity that involve a possible violation of federal criminal law.

2. The OS is responsible for developing the familiarization training in conjunction with OGC and for ensuring that all NRO personnel receive initial and annual refresher familiarization training on E.O. 12333. The OS will maintain

a. A record of each person who receives the initial training;

b. A current list of persons identified by NRO sites as the site POC for E.O. 12333 matters; and

c. An information copy of the quarterly E.O. 12333 reports submitted by each Point of Contact (POC) to OIG for a period of no less than two years.

3. Each NRO site shall identify an E.O. 12333 POC and provide the POC's name to OGC, OS, and OIG. The POC, who will

usually be the senior NRO security officer at the site, will be responsible for

- a. Identifying new personnel who require the initial training and ensuring that those new personnel receive the training;
- b. Receiving reports of possible E.O. 12333 violations;
- c. Forwarding information of possible E.O. 12333 violations to OIG and to OS immediately upon receipt; and
- d. Forwarding quarterly reports to OIG and to OS. NRO sites that, in accordance with local requirements, report E.O. 12333 matters (for example, violations and quarterly reports) to other DoD agencies shall continue to report to those agencies; however, each such site shall also provide an information copy of the report to the NRO OIG and OS.

4. The OIG is responsible for investigating all reports of actual or possible violations of E.O. 12333. The OIG will

- a. Coordinate with OGC any reports it receives concerning questionable activities;
- b. Coordinate with the NRO CI Staff reports of any violations that concern counterintelligence matters;
- c. Obtain quarterly E.O. 12333 reports from NRO site POCs and forward the relevant data to the Office of the Special Assistant to the Secretary of Defense (Intelligence Policy) in an OIG-OGC coordinated quarterly report. If an NRO site provides quarterly information through other channels, and it is reported to the same office as above, OIG will include in its quarterly report the name of the agency through which the NRO site reported; and
- d. Serve as the NRO liaison with the Office of the Assistant to the Secretary of Defense (Intelligence Policy) regarding E.O. 12333 matters. In performing this duty, OIG will consult with OGC, OS, and CI as necessary.

5. All NRO personnel must

a. Be familiar with E.O 12333 and the appropriate provisions of implementing regulations applicable to their particular sites;

b. Conduct intelligence activities in accordance with E.O. 12333 and its implementing regulations applicable to the site where the intelligence activity occurs;

c. Report to OIG, or to OGC if unable to contact OIG, all violations or potential violations of E.O 12333 and its implementing regulations that come to their attention;

d. Notify the site E.O. 12333 POC of each report made to OIG or OGC; and

e. Contact OGC for a legal opinion when in doubt whether a violation has or may have occurred.

/s/

Keith R. Hall
Director

OPR: OGC